

REMARKS

The Official Action mailed November 12, 2008, has been received and its contents carefully noted. This response is filed within three months of the mailing date of the Official Action and therefore is believed to be timely without extension of time. Accordingly, the Applicant respectfully submits that this response is being timely filed.

The Applicant notes with appreciation the consideration of the Information Disclosure Statements filed on March 8, 2005; December 7, 2005 and August 28, 2008.

Claims 1-6, 8 and 9 are pending in the present application, of which claim 1 is independent. Claim 1 has been amended to better recite the features of the present invention. For the reasons set forth in detail below, all claims are believed to be in condition for allowance. Favorable reconsideration is requested.

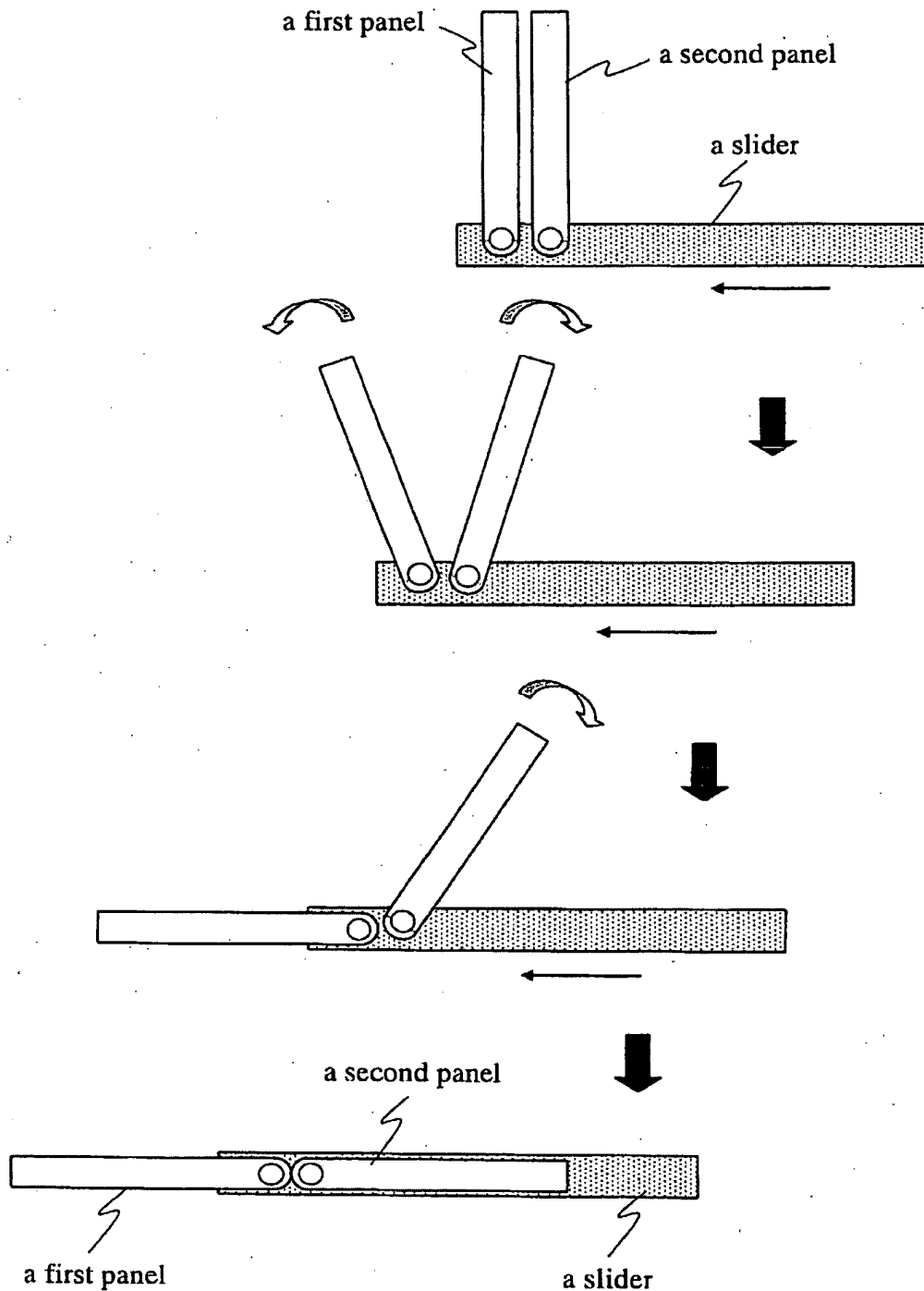
Paragraph 2 of the Official Action rejects claims 1-6, 8 and 9 as obvious based on the combination of U.S. Patent No. 6,935,597 to Shibuya, U.S. Patent No. 5,082,336 to Munch and U.S. Publication No. 2002/0135231 to Miura. The Applicant respectfully submits that a *prima facie* case of obviousness cannot be maintained against the independent claims of the present application.

As stated in MPEP §§ 2142-2143.01, to establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some reason, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. Obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some reason to do so found either explicitly or implicitly in the references themselves or in the knowledge generally available to one of ordinary skill in the art. "The test for an implicit showing is what the combined teachings, knowledge of one of ordinary skill in the art, and the nature of the problem to be solved as a whole would have suggested to those of ordinary skill in the

art.” In re Kotzab, 217 F.3d 1365, 1370, 55 USPQ2d 1313, 1317 (Fed. Cir. 2000). See also In re Fine, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988); In re Jones, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992).

The prior art, either alone or in combination, does not teach or suggest all the features of the independent claims. Independent claim 1 has been amended for clarity. Specifically, claim 1 recites an electronic apparatus comprising: a housing (2) holding a main body of apparatus, a first panel (3) provided on the front face side of the housing, an operation section (3a) being provided on one face of the first panel, a second panel (4) provided behind the first panel and interlocked with the first panel, a display section (4a) being provided on one face of the second panel, a slider (5) provided in the lower section of the housing to be movable in forward and backward directions of the housing and linked to both the first panel and second panel, and an arm (7) linked to the second panel and said slider for rotating the second panel so that if the slider is moving forward, the upper end of the second panel is retracted backward relative to the lower end of the second panel, wherein a panel cover (3b), that can hide the front face of the housing, is provided on the other face of the first panel, wherein the first panel and second panel are interlocked with each other so as to be able to rotate about rotation axes (3r, 4r), and when the first panel and second panel are received in the housing side, the first and second panels are vertically juxtaposed in standing in front of the housing with the operation section of the first panel and the display section of the second panel being faced to each other, wherein when the slider is moved forward, the upper end of the first panel is moved forward and the upper end of the second panel is moved backward in such a manner that the first and second panel are rotated about respective rotation axes in an inverse direction to each other, whereby the operation section of the first panel and the display section of the second panel are unfolded to substantially horizontal state, and wherein a motor (12m) for controlling the rotation position of the first panel independently from the movement position of said slider, is provided.

These features are supported in the present specification, for example, by the present Figures, specifically Figures 1(b), 1(c), 2(b) and 2(c). Also, the attached illustration is based on the present specification and Figures.



The present invention is directed to an electronic apparatus, and the present invention's apparatus is unique in having the following structures and operations:

(i) There is provided a slider (5) in the lower section of the housing to be movable in forward and backward directions of the housing and linked to both the first panel and second panel.

(ii) There is an arm (7) linked to the second panel so that if the slider is moving forward, the upper end of the second panel is retracted backward relative to the lower end of the second panel.

(iii) The first panel and second panel are interlocked with each other so as to be able to rotate about rotation axes (3r, 4r).

(iv) When the first panel and second panel are received in the housing side, the first and second panels are vertically juxtaposed in standing in front of the housing with the operation section of the first panel and the display section of the second panel being faced to each other.

(v) When the slider is moved forward, the upper end of the first panel is moved forward and the upper end of the second panel is moved backward in such a manner that the first and second panel are rotated about respective rotation axes in an inverse direction to each other, whereby the operation section of the first panel and the display section of the second panel are unfolded to substantially horizontal state.

The Applicant respectfully submits that Shibuya, Munch and Miura, either alone or in combination, do not teach or suggest the above-referenced features of the present invention.

The Official Action concedes that Shibuya does not teach, among other features, "wherein when the slider is moved forward, the upper end of the first panel is moved forward in such a manner that the first and second panel are rotated about respective rotation axes inversely to each other and whereby the operation section of the first panel is unfolded to substantially horizontal state" (pages 4-5, Paper No. 20081024). The Official Action fails to conduct an element-by-element analysis of at least the

above-referenced features, and the Applicant respectfully submits that Munch and Miura fail to teach or suggest the above-referenced features. Rather, the Official Action asserts that Munch teaches "a first panel and panel cover on the front of the housing ... with an operating section" where the "first panel is capable of rotating to be juxtaposed vertically to face the second panel" and "[u]se of these two panels in a cooperative arrangement" (page 4, Id., citing column 3, lines 30-33, and column 1, lines 58-60 of Munch).

Munch merely appears to teach a control cabinet having a flip-out keyboard tray. Specifically, column 1, lines 58-60, merely discloses that "the opened cover is used as a work station ... for putting down a keyboard" and column 3, lines 30-33, merely discloses that "[i]f the keyboard 33 is additionally connected to the cover 28, in the closed position in which it is received by the insert 20." Indeed, Munch may teach that the keyboard 33, which may be mounted on the cover 28, which allegedly corresponds to the "first panel" of the present claims can be rotated from a vertical position to a horizontal position. However, Munch does not teach or suggest that Shibuya could or should be modified so that when a slider is moved forward, an upper end of a first panel is moved forward in such a manner that the first panel and a second panel are rotated about respective rotation axes inversely to each other and whereby an operation section of the first panel is unfolded to substantially horizontal state.

Miura, which is relied upon to allegedly teach a motor, does not cure the above-referenced deficiencies in Shibuya and Munch.

Also, Shibuya, Munch and Miura do not teach or suggest two panels which are placed in a horizontal state.

Further, Shibuya, Munch and Miura do not teach or suggest that a first panel and a second panel are rotated about respective rotation axes in an inverse direction to each other.

Since Shibuya, Munch and Miura do not teach or suggest all the claim limitations, a *prima facie* case of obviousness cannot be maintained.

Still further, there is no proper or sufficient reason, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify Shibuya, Munch and Miura or to combine reference teachings to achieve the claimed invention. MPEP § 2142 states that the examiner bears the initial burden of factually supporting any *prima facie* conclusion of obviousness. It is respectfully submitted that the Official Action has failed to carry this burden. While the Official Action relies on various teachings of the cited prior art to disclose aspects of the claimed invention and asserts that these aspects could be modified in the manner asserted in the Official Action, it is submitted that the Official Action does not adequately set forth why one of skill in the art would combine the references to achieve the features of the present invention.

The test for obviousness is not whether the references “could have been” combined or modified as asserted in the Official Action, but rather whether the references should have been. As noted in MPEP § 2143.01, “The mere fact that references can be combined or modified does not render the resultant combination obvious unless the results would have been predictable to one of ordinary skill in the art” (emphasis in original). KSR International Co. v. Teleflex Inc., 550 U.S. ___, ___, 82 USPQ2d 1385, 1396 (2007). Thus, it is respectfully submitted that the standard set forth in the Official Action is improper to support a finding of *prima facie* obviousness.

The Official Action concedes that Shibuya does not teach the following features (pages 3-4, Paper No. 20081024):

- a first panel provided on the front face side of the housing
- wherein an operation section is provided on one face of the first panel
- wherein a panel cover, that can hide the front face of the housing, is provided on the other face of the first panel
- wherein the second panel can rotate about rotation axis, and when the first panel and second panel are received in the housing side, the first and second panels are vertically juxtaposed in standing in front of the housing with the operation section of the first panel and the display section of the second panel being faced to each other

- wherein a motor for controlling the rotation position of the first panel independently from the movement position of said slider, is provided
- wherein when the slider is moved forward, the upper end of the first panel is moved forward in such a manner that the first and second panel are rotated about respective rotation axes inversely to each other and whereby the operation section of the first panel is unfolded to substantially horizontal state.

The Official Action relies on Munch to allegedly teach "a first panel and panel cover on the front of the housing ... with an operating section" where the "first panel is capable of rotating to be juxtaposed vertically to face the second panel" and "[u]se of these two panels in a cooperative arrangement" (page 4, Id.). Without any specific references to Shibuya or Munch in support and without statements which establish the level of ordinary skill in the art at the time of the present invention, the Official Action asserts that "[i]t would have been obvious to one skilled in the art at the time the invention was made to modify an electronic apparatus housing of Shibuya to include another panel, as taught by Munch et al., to have additional input controls that may be neatly stored away" (Id.). The Applicant respectfully disagrees and traverses the above assertions in the Official Action.

Shibuya appears to teach a vehicle-mounted electronic apparatus where, in a first position, the face is in a vertical position and the controls are facing outward, where the face slides out and rotates into a second position where the face is in a horizontal position and the control are facing upward (Figures 8A-8C). Also, Shibuya teaches that the control panel can then recess into the device (Figures 9A and 9B). While one might argue that Shibuya teaches a structure that is somewhat similar to the second panel of the present claims, as conceded in the Official Action Shibuya does not teach or suggest a first panel and the numerous features associated with the combination of the first and second panels.

Munch appears to teach a control cabinet having a flip-out keyboard tray. Contrary to the assertion in the Official Action, Munch does not teach or suggest first and second panels. The Official Action asserts that components mounted on the back

wall of a space inside an opening (see Figure 6 as reproduced at page 6 of the Official Action) corresponds with the claimed "second panel." The Applicant respectfully disagrees and traverses the assertions in the Official Action. The back wall of Munch is fixed and does not correspond with the "second panel" of the present claims. As such, the characterizations of Munch in the Official Action, i.e. that the "first panel is capable of rotating to be juxtaposed vertically to face the second panel" and "[u]se of these two panels in a cooperative arrangement" (page 4, Id.) is not accurate.

In any event, the Official Action appears to be implying that it would have been obvious to one of ordinary skill in the art at the time of the present invention to add the cover 28 and keyboard 33 from the control cabinet of Munch to the vehicle-mounted electronic apparatus (car stereo) of Shibuya. The Applicant respectfully submits that the Official Action has not demonstrated *prima facie* evidence that one of ordinary skill in the art at the time of the present invention would have been motivated to improve the car stereo of Shibuya based on the control cabinet of Munch. MPEP § 2141.01(a) states the following:

The examiner must determine what is "analogous prior art" for the purpose of analyzing the obviousness of the subject matter at issue. "In order to rely on a reference as a basis for rejection of an applicant's invention, the reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the inventor was concerned." In re Oetiker, 977 F.2d 1443, 1446, 24 USPQ2d 1443, 1445 (Fed. Cir. 1992). See also In re Deminski, 796 F.2d 436, 230 USPQ 313 (Fed. Cir. 1986); In re Clay, 966 F.2d 656, 659, 23 USPQ2d 1058, 1060-61 (Fed. Cir. 1992).

The Official Action has not shown that Munch is in the field of applicant's endeavor or that Munch is reasonably pertinent to the particular problem with which the Applicant is concerned. For example, the Official Action does not demonstrate why one of ordinary skill in the art at the time of the present invention would have had any reason to look to Munch's keyboard tray to find improvements for the car stereo face of Shibuya. The Applicant respectfully submits that a Munch's control cabinet is not

reasonably pertinent to Shibuya's car stereo or the features of the present invention. Therefore, the Official Action may not rely on Munch as a basis for rejection.

Also, as noted in MPEP § 2143.01, Part V, if a proposed modification renders the prior art invention being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification. In re Gordon, 733 F.2d 900, 221 USPQ 1125 (Fed. Cir. 1984). Also, as noted in MPEP § 2143.01, Part VI, if a proposed modification or combination of the prior art would change the principle of operation of the prior art invention being modified, then the teachings of the references are not sufficient to render the claims *prima facie* obvious. In re Ratti, 270 F.2d 810, 123 USPQ 349 (CCPA 1959). If one were to attempt to add the cover 28 and keyboard 33 of Munch to the vehicle-mounted electronic apparatus (car stereo) of Shibuya, then Shibuya would be rendered unsatisfactory for its intended purpose. First the sizes of the respective devices are completely different. Also, the proposed modification of Shibuya would appear to destroy at least one intended function of Shibuya, which is to provide a retractable control panel (Figures 9A and 9B). Further, Shibuya does not appear to require a further input device such as a keyboard as sufficient controls are already provided on the face 10. That is, the Examiner's proposed modification or combination of the prior art appears to change the principle of operation of the prior art invention being modified. Therefore, there is no suggestion or motivation to make the proposed modification, and the teachings of the references are not sufficient to render the claims *prima facie* obvious.

Miura, which is relied upon to allegedly teach a motor, does not cure the above-referenced deficiencies in Shibuya and Munch.

Therefore, the Applicant respectfully submits that the Official Action has not provided a proper or sufficient reason, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify Shibuya, Munch and Miura or to combine reference teachings to achieve the claimed invention.


In the present application, it is respectfully submitted that the prior art of record, either alone or in combination, does not expressly or impliedly suggest the claimed invention and the Official Action has not presented a convincing line of reasoning as to why the artisan would have found the claimed invention to have been obvious in light of the teachings of the references.

For the reasons stated above, the Official Action has not formed a proper *prima facie* case of obviousness. Accordingly, reconsideration and withdrawal of the rejections under 35 U.S.C. § 103(a) are in order and respectfully requested.

Since Shibuya, Munch and Miura do not teach or suggest all the claim limitations, a *prima facie* case of obviousness cannot be maintained. Accordingly, reconsideration and withdrawal of the rejections under 35 U.S.C. § 103(a) are in order and respectfully requested.

Should the Examiner believe that anything further would be desirable to place this application in better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,



Eric J. Robinson
Reg. No. 38,285

Robinson Intellectual Property Law Office, P.C.
PMB 955
21010 Southbank Street
Potomac Falls, Virginia 20165
(571) 434-6789